Remarks

Claims 1-12, 14-24, and 26-36 are pending.

Requirement for Information under 37 C.F.R. § 1.105

In making the § 1.105 request, the Examiner refers to a paragraph in the applicants' Background section which states:

> In order to quickly calculate insurance product rates, the necessary mathematical expressions and data are typically encoded into the programming for the insurance product application (*e.g.,* the web server application or application running in conjunction with a web server) that gathers information from a consumer and returns rate quote information (and perhaps other types of information) to the consumer. However, as product rate information changes, or as the need to add new products and/or carriers arises, the process of modifying the insurance product application can become cumbersome and inefficient.

The Examiner requests submission of "information pertaining to this admission that insurance product rate expression are well known in the art." Moreover, the Examiner requests information about the applicants' "own systems using product rate expressions prior to March 7, 2000 or any other systems or literature that Applicant knows of that were using product rate expressions as described by Applicant in the Background of the Invention."

The applicant's respectfully submit that they have not admitted "that insurance product rate expression are well known in the art." The term "product rate expression" is not used anywhere in the applicants' Background section. This term is used in the Summary, Detailed Description, and Claims and is not part of any admitted prior art. For example, page 10, line 29 through page 11, line 9 of the applicants' specification describes product rate expressions as follows:

> The first piece of product rate information retrieved is typically a logical and/or algebraic expression that must be evaluated to produce the desired rate. Such product rate expressions are preferably stored as text strings that are then parsed (350) into one or more tokens for evaluation. One advantage to having the product rate expressions stored as database records that are subsequently loaded from database and stored into the cache is that the rating engine server can be generic with respect to the type of insurance products for which it calculates rates. That is, virtually

> any type of product rate expression can be used, and product rate expressions can be updated simply by replacing a database record. Thus, the rating engine server can "reprogram" itself for each insurance product, even for products that are added to the database long after the rating engine server program is written.

Thus, "product rate expression" is a specific term used to describe a novel aspect of the applicants' invention. In contrast, the portion of the Background section cited by the Examiner merely states in relevant part: "the necessary mathematical expressions and data are typically encoded into the programming for the insurance product application." Rather than acknowledging use of "product rate expressions" in the prior art, this statement acknowledges that the prior art was deficient in that necessary mathematical expressions were hard-coded into the logic of insurance applications.

Accordingly, the applicants have no additional information (beyond that disclosed in the present application) responsive to the Examiner's request. Thus, further information is unknown and/or is not readily available.

Regarding the actual contents of the applicants' statements in the Background section, e.g., that necessary mathematical expressions in prior art systems are encoded into the programming for insurance product applications, the applicants hereby submit the accompanying "Employee Group Benefits Rating Engine Requirements Summary and Design Specification." This document describes previous systems from InsWeb where required mathematical expressions were encoded into the programming for insurance application software. See, e.g., pp. 18-20 and pp. 46-57. The applicants note, however, that this document does *not* describe the use of "product rate expressions" as the term is used in the present application.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-12, 14-24, and 26-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Background of the Invention (Background) in of Kennedy, U.S. Patent No. 5,787,453. The applicants respectfully traverse this rejection.

The Background and Kennedy, taken alone or in combination, neither teach nor suggest a product rate calculation system including:

a database interface operable to request and receive product rate information from a database, the product rate information including at least one product rate expression;

a product rate information cache storing product rate information;

an expression evaluation routine operable to parse a product rate expression stored in the product rate information cache into at least one token, and operable to evaluate the at least one token to determine a product rate; and

a client interface operable to provide the product rate to a client application running on a computer system,

as required by independent claim 1 and generally required by independent claims 15, 26, and 27.

While the Examiner makes reference to various portions of the Background, she also acknowledges that it fails to teach the database interface, product rate information cache, and expression evaluation routine limitations. Regarding the claimed product rate information cache storing product rate information, the Examiner presents no clear argument as to where Kennedy or the Background teach or suggest this limitation. In particular, the product rate information cache is clearly distinct from the database with which the database interface requests/receives product rate information. While it appears that the Examiner equates Kennedy's SQL databases, e.g., data base 32, with the applicants' referenced database, this SQL database cannot be the claimed product rate information cache.

Regarding the combination of the Background and Kennedy, the Examiner states:

It would have been obvious to one of ordinary skill in the art . . . to add the formula parser of Kennedy to the system described in Applicant's Background of the Invention with the motivation of providing users with very little grasp of computer programming methodologies a way to develop systems to calculated virtually anything of a mathematical nature once they can identify the source of data to be used, a target location for the result, and the fundamental mathematical operations needed to derive the result (Kennedy; col. 3, lines 30-35).

The applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. In addition to the claim elements not taught or suggested by the cited references as described above, the Examiner has not shown that

there is some suggestion or motivation to combine the Background and Kennedy, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner merely points to a purported advantage of Kennedy, but points to no motivation or suggestion for the *combination* of the references. There is nothing in "providing users with little grasp of computer programming methodologies a way to develop systems to calculated virtually anything of a mathematical nature once they can identify the source of data to be used, a target location for the result, and the fundamental mathematical operations needed to derive the result" that motivates a combination with the prior art systems described in the Background. For example, one would need to look no further then Kennedy itself, to achieve the purported motivation. In other words, there is simply no stated reason to combine Kennedy with the systems of the Background. The applicants respectfully submit that the Examiner has failed to explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination, as required by, for example, *In re Rouffet,* 47 USPQ2d 1453 (Fed. Cir. 1998).

Accordingly, the applicants respectfully submit that independent claims 1, 15, 26, and 27 are allowable over the Background and Kennedy, taken alone or in combination. Claims 2-12 and 14 depend from claim 1 and are allowable for at least this reason. Claims 16-24 depend from claim 15 and are allowable for at least this reason. Claims 28-36 depend from claim 27 and are allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on _____ , 2006.

Attorney for Applicant(s)   Date of Signature

Respectfully submitted,

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